

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JERRY BLANEY, §
§
Plaintiff, §
§
v. § Civil Action No. 3:23-cv-1185-X-BT
§
STATE OF TEXAS, §
§
Defendant. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case, recommending that the Court transfer Jerry Blaney's habeas petition to the Fifth Circuit as a successive habeas petition. [Doc. 5]. Jerry Blaney filed a *Notice of Judicial Misconduct*, which the Court construes as an objection because it appears to reference the Magistrate Judge's opinion. [Doc. 8].

Blaney raises four points. First, he lambasts "corrupt clerks" for listing the defendant in the case caption as "Director, TDCJ-CID" when Blaney actually sued the "State of Texas."¹ Second, he complains that "[c]orrupt clerks" have committed "felony crimes" against him by refusing to accept his filing fee.² Third, he complains

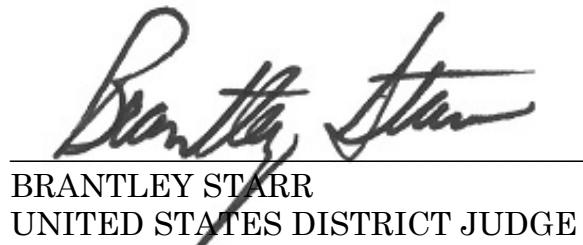
¹ Compare Doc. 5 at 1, with Doc. 3 at 1.

² Doc. 8 at 1. To the extent Blaney attempts to sue the State of Texas for crimes, like kidnapping, Blaney has failed to explain how he can bring a civil suit based on a criminal law. In any event, Blaney doesn't challenge the Magistrate Judge's construction of his complaint as a habeas petition, so the Court's review is only for plain error. The Court finds none.

that “corrupt clerks” have been “forging and falsifying [his] civil suits for sixteen years.”³ Fourth, he lambasts the “corrupt Judges” who have denied his appeals and civil suits.⁴ But none of those contentions explains why Blaney’s appeal isn’t successive.

Accordingly, the Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the Magistrate Judge. The Court therefore **TRANSFERS** Blaney’s petition for a writ of habeas corpus to the United States Court of Appeals for the Fifth Circuit.

IT IS SO ORDERED this 6th day of July, 2023.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

³ Doc. 8 at 2.

⁴ *Id.* Query whether these are the same civil suits that the corrupt clerks allegedly forged.